

2300 N STREET, NW
SUITE 700
WASHINGTON, DC 20037
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com

October 6, 2010

David A. O'Connor
202-383-3429
doconnor@wbklaw.com

VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: **EX PARTE PRESENTATION**

*Telecommunications Relay Services and Speech-to-Speech Services for Individuals
with Hearing and Speech Disabilities*
CG Docket No. 03-123

Structure and Practices of the Video Relay Service Program
CG Docket No. 10-51

Dear Ms. Dortch:

On October 5, 2010, Dixie Ziegler and Anne Girard of Hamilton Relay, Inc. ("Hamilton"), and the undersigned counsel for Hamilton, met with Gregory Hlibok, Diane Mason and Andrew Mulitz of the Consumer & Governmental Affairs Bureau ("CGB"), and Janet Sievert of the Enforcement Bureau. Karen Peltz Strauss of CGB also attended portions of the meeting.

We discussed various points made in Hamilton's March 29, 2010 Request for Clarification ("Request") of CGB's February 25, 2010 *Declaratory Ruling* in CG Docket No. 10-51. In the Request, Hamilton highlighted the difficulties in applying the *Declaratory Ruling* to MARS-based services, and asked CGB to clarify that the principles enunciated in the *Declaratory Ruling* do not apply to relay services compensated under MARS rates. Hamilton also noted that it would be inherently circular to apply the *Declaratory Ruling* to MARS-based services because of state pricing controls and oversight.

We also discussed Hamilton's July 27, 2010 ex parte letter in which Hamilton supported the request of numerous providers to clarify that various calls involving more than one Communications Assistant ("CA") are compensable relay calls.

Finally, Hamilton reiterated the comments it made in two sets of filings in response to the Commission's May 27, 2010 *Notice of Proposed Rulemaking* regarding various proposals for detecting and preventing fraud. Hamilton stressed that the Commission must make clear which rules apply to which type of relay service when rules are ultimately adopted. Hamilton also expressed its concern about the potential for inconsistent state and federal whistleblower protection rules, but noted that it did not oppose Commission-specific whistleblower rules to the extent that they are not inconsistent with state rules and are designed to protect CAs and deter fraud in the relay system.¹ Hamilton also noted the potential concerns with permitting CAs to work in unmonitored workspaces. In particular, unsecure workspaces like home environments create unacceptable concerns about caller confidentiality. While it may be possible to monitor the immediate camera and/or audio workspace with some degree of predictability, it is impossible to monitor the area outside of the immediate workspace and ensure that the call cannot be heard by others, or that the area will be secure when the CA leaves the workspace for any reason.

This filing is made in accordance with Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2). In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O'Connor

David A. O'Connor

Counsel for Hamilton Relay, Inc.

cc (via e-mail): Participants

¹ As noted in Hamilton's comments on this issue, Hamilton suggests minor revisions to the proposed whistleblower rule, to the extent such a rule is adopted by the Commission. See Hamilton's First Set of Comments at 5-6 (filed Sept. 7, 2010).